

HOUSE BILL NO. 128

INTRODUCED BY JENT

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE COMMISSION OR WARRANT OF AN OFFICER IN THE STATE'S ORGANIZED MILITIA MUST BE VACATED IF THE OFFICER IS CONVICTED OF A FELONY OR INCARCERATED IN A STATE OR FEDERAL CORRECTIONAL FACILITY INSTITUTION; AND AMENDING SECTION 10-1-205, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 10-1-205, MCA, is amended to read:

"10-1-205. Vacating commissions or warrants. The commission or warrant of an officer ~~shall~~ must be vacated:

(1) upon acceptance by the governor of the resignation of the officer; or

(2) by an order of the governor discharging the officer:

(a) for failure to maintain ~~his~~ the officer's qualifications for federal recognition;

(b) upon the scheduled or actual termination or withdrawal of ~~his~~ the officer's federal recognition ~~where~~ when federal recognition is a prerequisite for continued service;

(c) upon a change in federal reserve status ~~which that~~ makes ~~him~~ the officer ineligible ~~to continue assigned for continued assignment~~ to a unit of the organized militia;

(d) for ~~his~~ the officer's absence from duty without leave for more than 3 months; ~~or~~

(e) upon the recommendation of a board of examination or the sentence of a court-martial;

(f) upon conviction of a felony; or

(g) upon final sentencing to confinement in a federal or state penitentiary or correctional facility INSTITUTION AS DEFINED IN 45-2-101."

- END -